

REMARKS

Claims 1-21 were pending. Applicants have amended claims 1 and 16 and added claims 22-28. Applicants respectfully submit that claims 1-28 are now allowable.

Claim Rejections Under 35 U.S.C. § 112

Claims 16 and 20 stand rejected as being indefinite. The Examiner objected to the recitation of specific types of self-locking taper because standards change over time. However, the meaning of patent terms depends on the usage of those terms in context by one of skill in the art *at the time of application*. See, e.g., *Middleton, Inc. v. 3M*, 311 F.3d 1384, 1389 (Fed. Cir. 2002) (emphasis added). A “time-dependent” term may not be interpreted to have different meanings at different times but must be interpreted as of its effective filing date. *PC Connector Solutions LLC v. SmartDisk Corp.*, 406 F.3d 1359, 1363 (Fed. Cir. 2005). In *PC Connector Solutions*, the claims in question used terms such as “standard”, “conventional”, “normally” and “traditionally”. The court determined those terms to have “time-dependent” descriptive properties and held that the “standard input/output port” recited in the patent claims referred only to I/O port that was in common use at the time of the filing of the application, not what might be common at the time of the dispute. *Id.*

Likewise, regarding the present application, while standards may change over time and thus be “time-dependent”, claims referring to standards are to be interpreted as of the effective filing date, at which time the status of any standard is definite. Thus, recitation of any standard should not render a claim indefinite.

The Examiner further contended that he could not determine the complete limitations of the standard by the original disclosure of the present application. However, a technical term used in a patent claim is interpreted as having the meaning a person of ordinary skill in the field of the invention would understand it to mean. *Dow Chem. Co. v. Sumitomo Chem. Co., Ltd.*, 257 F.3d 1364 (Fed. Cir. 2001). Applicants respectfully submit that the types of tapers, enumerated by their common names in claims 16 and 20, are well known and understood by those of ordinary skill in the art. The use of such names therefore does not make the claims indefinite. The rejection of claims 16 and 20 based on indefiniteness should be withdrawn.

Claims Rejections - 35 U.S.C. §§ 102 and 103

The Examiner rejected claims 1-4, 11, 12 and 15-21 under 35 U.S.C. § 102(e) as being anticipated by *Krüger* (U.S. 6,712,544). The Applicants respectfully submit that these claims, as amended, are not anticipated by *Krüger*. Independent claim 1 includes, among others, a feature that the “body member outer surface and said gripping surface are configured and positionable relative to each other to form a compressive contact with each other to linearly shift relative to each other by under the compressive contact ... when said body member is circumferentially expanded from an unloaded state.” This feature is not disclosed or suggested by *Krüger*. In the devices disclosed in *Krüger*, the expansion of the sleeve **7** does not result in any axial translation of the sleeve **7** relative to the component **2**, to which the sleeve **7** is expanded into by the spreading body **14**. For at least this reason, Applicants respectfully request that the rejection of Claim 1 and dependent claims 2-4, 11, 12 and 15-21 be reconsidered and withdrawn.

The Examiner further rejected claims 1-5 and 7-12 under 35 U.S.C. § 102(b) as being anticipated by *Weller* (U.S. 3,618,135). Applicants respectfully submit that these claims are allowable over *Weller*. Independent claim 1 includes, among others, a feature that “said body member outer surface and said gripping surface are configured and positionable relative each other to form a compressive contact with each other to linearly shift relative to each other under the compressive contact to cause an increased compression between the clamping surface and the object when said body member is circumferentially expanded from an unloaded state” This feature is not disclosed or suggested by *Weller*. In the devices disclosed in *Weller*, the expansion of the bushing **12** does not result in any axial translation of the bushing **12** relative to tunable structure **10**, to which the bushing **12** is expanded into by the setscrew **20**, much less to cause an increased compression between any clamping end and another object. Claim 1 is therefore not anticipated by *Weller*. For at least this reason, Applicants respectfully request that the rejection of claim 1 and dependent claims 2-5, and 7-12 be reconsidered and withdrawn.

The Examiner further rejected claims 6, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Krüger*. The Applicants respectfully submit that these claims are

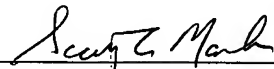
allowable over *Krüger*. Each of claims 6, 13 and 14 is ultimately dependent on claim 1, and Applicants respectfully submit that claim 1 is not obvious in light of *Krüger*. As discussed above, *Krüger* is missing the feature of the “body member outer surface and said gripping surface are configured and positionable relative to each other to form a compressive contact with each other to linearly shift relative to each other by under the compressive contact ... when said body member is circumferentially expanded from an unloaded state.” Furthermore, *Krüger* does not provide any motivation to modify the devices disclosed therein to achieve the claimed invention. In fact, *Krüger* teaches away from the claimed invention by teaching using a screw 15 to pull the components 2 and 3 toward each other. Claim 1 is therefore not obvious over *Krüger*. For at least this reason, Applicants respectfully request that the rejection of claim 1 and dependent claims 6, 13 and 14 be reconsidered and withdrawn.

The Applicant herewith petitions the Commissioner to extend the time for reply to the Office Action dated June 24, 2005 for one (1) month, from September 24, 2005, to October 24, 2005. A credit card payment form in the amount of \$120.00 for a one-month extension of time is submitted herewith. No additional fee is believed to be necessary for the entry of this paper. Should any additional fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

It is believed that the above Remarks represent a complete response to the Office Action and that the Application is now in condition for allowance, and such favorable determination is requested.

If any questions regarding this Application should arise, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully Submitted,

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